IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 9378

Application of:

FRAZIER, D. et al.

Group Art Unit: 3625

Serial No. 09/943,708

Examiner: ZURITA, JAMES H.

Filed: August 31, 2001

For: **IMPROVING CUSTOMER SATISFACTION THROUGH CUSTOMER IDENTIFICATION AND SERVICE-TIME MEASUREMENT**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests review of the final rejection of claims 1, 3-24, and 26-41 of the present application. An amendment to claim 23 is presented together with this request. This request is being filed concurrently with a Notice of Appeal.

Rejection of claims 1, 3-24 and 26-41 under 35 U.S.C. §103(a)

Claims 1, 3-24 and 26-41 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,574,603 issued to Dickson et al.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all the claim limitations.

The rejection of claims 1, 3-24 and 26-41 under 35 U.S.C. §103(a) is respectfully traversed, as (1) there is no suggestion or motivation, either in the cited reference to Dickson et al. or in the knowledge generally available to one of ordinary skill in the art at the time of the invention, to modify the reference to teach the invention recited in any one

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By: Michelle Moyer
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of claims 1, 3-24 and 26-41 of the present application, and (2) the prior art reference to Dickson et al. does not teach or suggest all the claim limitations of claims 1, 3-24 and 26-41 of the present application.

Independent claim 15 recites a computer-automated method for use by a service establishment in providing services to a customer, the method including the steps of assessing the quality-of-service received by the customer during the visit; and deciding that the quality-of-service received by the customer during the visit was below a quality-of-service threshold. Similarly, independent claim 23 recites a network of computer systems for use in providing services to customers of a group of service establishments, the network including local computer systems that are located at the service establishments, each of which is configured to collect information identifying customers of the service establishment and information about previous transactions with those customers; and when a customer is visiting the service establishment to assess the quality-of-service received by the customer during the visit; and if the quality-of-service received by the customer during the visit is below a quality-of-service threshold, assist in delivering an offer to compensate the customer for the inadequate service. And independent claim 24 recites a computer system for use by a service establishment in providing services to a customer, the system including an executable program that causes the computer to assess the quality-of-service received by the customer during a visit; and decide that the quality-of-service received by the customer during the visit was below a quality-of-service threshold.

Applicant has reviewed the cited reference to Dickson et al. and can find no teaching or suggestion of the limitations concerning (1) assessing the quality-of-service received by the customer during a visit; and (2) deciding that the quality-of-service received by the customer during the visit was below a quality-of-service threshold recited in claims 1, 23 and 24. In the discussion of independent claims 1, 23 and 24, the Official Action cites column 17, lines 18-37, and column 18, line 62 through column 19, line 13 as teaching these limitations. The referenced sections of Dickson et al. are provided below.

Column 17, lines 18-37, recites:

> Once the order is placed, received and associated with the transponder in normal fashion (blocks 500-510), indicia of the order is transmitted to the transponder (block 528) and the transaction is effected (block 530) in normal fashion. At this point, the customer position detector 46 will monitor for the presence of a transponder via the interrogator 62 (blocks 532 and

534). Once a transponder is detected, the customer position detector 46 will forward the transponder indicia to the food preparation area 40 through the QSR controller 108. This allows for the food preparation operators to timely prepare a customer order based on the customer's approach to the pick-up window (block 536). This information may also be sent to the pick-up operator to indicate customer position. The customer will proceed along the drive-thru lane until the pick-up window is approached where the transponder is detected by the order pick-up interrogator 58 (blocks 516 and 518). The transponder ID or indicia is received by the QSR electronics, and the operator is informed of the order corresponding to the customer at the window (blocks 522-526).

Column 18, line 62 through column 19, line 13 recites:

Once the identification indicia, order and financial information are transmitted, it is ultimately received by communication electronics associated with the QSR's order pro-cessing system (block 514). As noted, the information may be directly or indirectly transmitted via any type of ground-based or satellite communication network. Furthermore, information may be received at a fuel dispenser, near a fuel dispenser, or directly by the quick-serve restaurant. At this point, the order is sent to a food preparation terminal for processing (block 516). The order is processed and payment is effected, preferably by authorizing payment via a remote authorization or transaction authority (block 518). As dis-cussed below, the order may be processed immediately or delayed based on the location of the vehicle to ensure the order is timely processed. Next, an order confirmation, order total and/or order ID is transmitted to the IVC (block 520). The IVC will ultimately receive and store the confirmation, order totals and/or order ID (block 522). This information may also be displayed to the occupant in the vehicle (block 524).

The excerpts provided above describe the operation of an in-vehicle ordering system. Column 17, lines 18-37, describes a process for monitoring the approach and location in a drive-thru lane of a customer. Column 18, line 62 through column 19, line

13, describes a process for directing an order to a food preparation terminal, and processing the food order and payment for the order.

Nowhere in the excerpts provided above, does Dickson et al. teach or suggest the limitations of(1) assessing the quality-of-service received by the customer during a visit; and (2) deciding that the quality-of-service received by the customer during the visit was below a quality-of-service threshold. The referenced sections describe order placement and processing, but include no teaching concerning quality-of-service. It is accordingly believed that claims 1, 23 and 24, as well as the claims which depend therefrom, are patentable over Dickson et al.

Independent claims 15 recites a method for use by a service establishment in measuring a customer's wait-time in a service lane, the method including the steps of: receiving a signal from a device carried by the customer when the customer reaches a first checkpoint; initiating a time-monitoring sequence upon receiving the signal; receiving another signal from the device when the customer reaches a second checkpoint; and completing the time-monitoring sequence upon receiving that signal. Similarly, independent claim 36 recites a computer system for use by a service establishment in measuring a customer's wait-time in a service lane, the system including an executable program that causes the computer to: receive a first signal acquired from a device carried by the customer when the customer reaches a first checkpoint; initiate a time-monitoring sequence upon receiving the first signal; receive a second signal acquired from the device when the customer reaches a second checkpoint; and end the time-monitoring sequence upon receiving the second signal.

Applicant has reviewed the cited reference to Dickson et al. and can find no teaching or suggestion of the limitations concerning initiating and completing a time-monitoring sequence. In the discussion of independent claims 15 and 36, the Official Action cites column 17, lines 18-37; column 22, lines 12-28, and Figure 11C as teaching steps for initiating and completing a time-monitoring sequence. Column 17, lines 18-37 has been set forth and discussed above. Column 17, lines 18-37 has been set forth and discussed above. Column 22, lines 12-28 recites:

> The basic operation of this embodiment begins (block 400) by alternately transmitting from the top and mid-mount antennas (block 402). The central control system 50 or dispenser control system 80 will monitor for responses from transponders within one of the interrogation fields (block 404). The control system will continue to monitor for a transponder response until a signal from a transponder is received (block 406). The control system

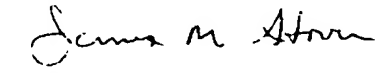
> will next deter-mine from which transmission field the transponder is responding (block 408). In this embodiment, where the transmission fields alternate, the control system will simply determine if a transponder response was received during a time period when the top or overhead-mount antennas were generating the interrogation field or if the response occurred during the time the mid-dispenser transmit antenna 251 was generating the interrogation field.

The excerpt for Dickson et al. provided above describes a process for monitoring the location and position of a transponder using multiple antennas which alternate sending interrogation signals. Each antenna sends interrogation signals during a different time period. The position of the transponder is determined by identifying the interrogation time period when contact is made with the transponder.

The operation described in column 22 is clearly different than the process recited in claims 15 and 36. The excerpts of Dickson et al. provided above do not teach or suggest a method or system for use by a service establishment in measuring a customer's wait-time in a service lane which includes steps for the steps for initiating and completing a time-monitoring sequence. It is accordingly believed that claims 15 and 36, as well as the claims which depend therefrom, are patentable over Dickson et al.

Review of the present application and claims with consideration of the foregoing comments, and reconsideration of the rejection of claims 1, 2, 5 and 6, are respectfully requested.

Respectfully submitted,



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